33.(new) A device according to Claim 32, wherein the depth of the first dopant implant is in the range of 500 angstroms to 1000 angstroms and the depth of the second dopant implant is up to 2,000 angstroms.

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REMARKS

Claims 23-33 are pending.

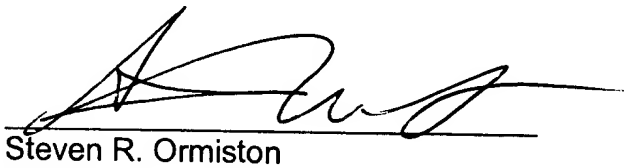
Claims 23-29 were rejected under 35 U.S.C. § 103 as being obvious over Katayama (U.S. Patent No. 5,444,278) in view of Prall (U.S. Patent No. 5,345,104).

The Rule 131 Declaration of the inventors accompanies this Response and establishes that the claimed subject matter was conceived and reduced to practice before the issue date of Prall. Prall, therefore, is prior art only under 35 U.S.C. § 102(e). According to 35 U.S.C. § 103(c), however, 102(e) art may not be used to support an obvious rejection if the claimed invention and the reference were commonly owned , or subject to an obligation of assignment to the same person, at the time the invention was made.

Prall is owned by Micron Technology, Inc. as noted on the face of that patent. As noted in paragraph 4 of the Rule 131 Declaration that accompanies this Response, the inventors were under an obligation to assign the claimed invention to Micron Technology, Inc. and, in fact, they did assign the invention to Micron Technology, Inc. as evidenced by the Assignment recorded on March 7, 1995 at Reel 7393 and Frame 0651.

Therefore, Prall may not be used to support the Section 103 rejection and the rejection should be withdrawn.

Respectfully submitted,



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